

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

ISABEL LITOVICH, MICHAEL V.  
COTTRELL, FRANK HIRSCH,  
HOLDCRAFT MARITAL TRUST, and  
UNITED FOOD AND COMMERCIAL  
WORKERS UNION AND PARTICIPATING  
FOOD INDUSTRY EMPLOYERS  
TRISTATE PENSION FUND, on Behalf of  
Themselves and All Others Similarly Situated,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION;  
MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC.; BofA SECURITIES, INC.;  
BARCLAYS CAPITAL INC.; CITIGROUP  
INC.; CITIGROUP GLOBAL MARKETS  
INC.; CREDIT SUISSE SECURITIES (USA)  
LLC; DEUTSCHE BANK SECURITIES  
INC.; THE GOLDMAN SACHS GROUP,  
INC.; GOLDMAN, SACHS & CO., LLC;  
JPMORGAN CHASE & CO.; J.P. MORGAN  
SECURITIES LLC; MORGAN STANLEY;  
MORGAN STANLEY & CO., LLC;  
MORGAN STANLEY SMITH BARNEY  
LLC; NATWEST MARKETS SECURITIES  
INC.; WELLS FARGO & CO.; WELLS  
FARGO SECURITIES LLC; and WELLS  
FARGO CLEARING SERVICES, LLC,

Defendants.

Case No. 20-cv-03154

Hon. Lewis J. Liman

**PLAINTIFFS' NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs-Appellants Isabel Litovich, Michael V. Cottrell, Frank Hirsch, Holdcraft Marital Trust, and United Food and Commercial Workers Union and Participating Food Industry Employers Tri-State Pension Fund, individually and on behalf of all others similarly situated, hereby appeal to the United States Court of Appeals for the Second

Circuit from the Opinion and Order (ECF No. 147) signed by District Judge Lewis J. Liman and entered on October 25, 2021, and the Clerk's Judgment on same entered on October 26, 2021 (ECF No. 148), that granted Defendants' Joint Motion to Dismiss the Amended Consolidated Class Action Complaint for failure to state a claim (ECF No. 130). This ruling served as a final judgment terminating the civil case.

Dated: November 23, 2021

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Christopher M. Burke, certify that on November 23, 2021, I filed a copy of the foregoing Plaintiffs' Notice of Appeal electronically using the Court's CM/ECF system, which will automatically generate notice of this filing to all Counsel of Record.

s/ Christopher M. Burke